

# State Intellectual Property Office of People's Republic of China

Add: 16/F, Zhongke Building, No. 80, Haidian Road, Haidian District, Beijing, P. R. China Postal Code: 100080

Applicant	<b>Matsushita Electric Industrial Co., Ltd.</b>	Issuing Date:
Patent Agent	<b>Xiaofeng LIU</b>	<b>October 29, 2004</b>
Application No.	<b>00806868.2</b>	
Title of Invention	<b>OPTICAL DISK, OPTICAL DISK RECORDING AND REPRODUCING APPARATUS, METHOD FOR RECORDING, REPRODUCING AND DELETING DATA ON OPTICAL DISK, AND INFORMATIN PROCESSING SYSTEM</b>	

## FIRST OFFICE ACTION

(For PCT Application Entering the National Phase)

1. ☒ The applicant has filed a request for substantive examination on \_\_\_\_\_ (day/month/year). The examiner has carried out substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to carry out a substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant claimed:
- The filing date 1999.4.28 in the Japan Patent Office as the priority date,  
The filing date 1999.5.10 in the Japan Patent Office as the priority date, and  
The filing date 1999.10.21 in the Japan Patent Office as the priority date.
3. ☐ The following amended document(s) submitted by the applicant is (are) unacceptable, as the document(s) is (are) not in conformity with the provisions of Article 33 of the Chinese Patent Law:
- ☐ The Chinese translation of the annexes of the International Preliminary Examination Report,  
☐ The Chinese translation of the amendment submitted under Article 19 of the Patent Cooperation Treaty,  
☐ The Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty,  
☐ The amendment submitted in accordance with Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- The detailed reasons for the amendments being unacceptable is described in the text of this office action.
4. ☐ The examination was carried out based on the Chinese translation of the international application as originally filed.
- ☒ The examination was carried out on the basis of the following application documents:
- ☒ The description
- Pages 1-61, the Chinese translation of the international application as originally filed;  
Pages \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;  
Pages \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;  
Pages \_\_\_\_\_, amendment submitted according to Rule 51 of the Implementing

Regulations of the Chinese Patent Law.

☒ The claims

Nos. \_\_\_\_\_, the Chinese translation of the international application as originally filed;

Nos. \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 19 of the Patent Cooperation Treaty.

Nos. \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;

Nos. \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Nos. 1-10, amendment submitted according to Rule 51 of the Implementing Regulations of the Chinese Patent Law.

☒ The drawings

Pages 1-36, the Chinese translation of the international application as originally filed;

Pages \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;

Pages \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Pages \_\_\_\_\_, amendment submitted according to Rule 51 of the Implementing Regulations of the Chinese Patent Law.

5. ☒ The following reference documents have been cited in this office action (their serial numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document( Number or Title)	Publication Date (or Filing date of interference patent applications)
1	CN1166223A	26day 11 month 1997 year
2		day month year
3		day month year
4		day month year

6. The result of the examination is as follows:

☐ Description:

☐ The subject matter of the application falls into the scope on which no patent right shall be granted as provided by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Rule 18 or 19 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

☐ Claim \_\_\_\_\_ falls into the scope within which no patent right shall be granted as provided by Article 25 of the Chinese Patent Law

☐ Claim \_\_\_\_\_ does not possess novelty as provided by Article 22(2) of the Chinese Patent Law.

☒ Claim 5-8 does not possess inventiveness as provided by Article 22(3) of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ does not possess practical applicability as provided by Article 22(4) of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.

- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.
- ☒ Claim 1-4,9,10 is not in conformity with the provisions of Rule 20 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 21 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 23 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.
- ☐

The detail analysis for above conclusive opinion is described in the text of this office action.

7. On the basis of the above conclusive opinion, the examiner holds that:

- ☐ The applicant should make amendments as required in the text of this office action.
- ☒ The applicant should provide reasons for that the above mentioned patent application can be granted the patent right, and make amendments to the specification which is not in conformity with the provisions as described in text of this office action; otherwise the patent right shall not be granted.
- ☐ The patent application does not possess any substantive patentable contents, if the applicant fails to provide reasons or the reasons provided are not sufficient, this application will be rejected.
- ☐

8. ☐ The applicant's attention is drawn to the following matters:



- (1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within four months from the receipt of this office action. If the applicant fails to meet the time limit without any justified reason, the application shall be deemed to be withdrawn.
- (2) The amendment made by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law. The amended documents shall be submitted in duplicate and in the format required by the relevant provisions of the Examination Guideline.
- (3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office. Documents which are not mailed or submitted to the Receiving Department do not possess legal effect.
- (4) The applicant and/or his (its) agent shall not come to the Chinese Patent Office for interview with the examiner without an appointment.

9. The text of this office action consists of a total of 3 sheets, and is accompanied by the following annexes:

- ☒ A copy of cited reference documents consisting of 1 set(s) and 5 sheet(s).
- ☐ The \_\_\_\_\_ Examination Department      The Seal of the Examiner: Na PANG



# 中华人民共和国国家知识产权局

邮政编码: 100083 北京市海淀区王庄路 1 号清华同方科技大厦 B 座 15 层 中科专利商标代理有限责任公司 刘晓峰	发文日期 
申请号: 008068682 	
申请人: 松下电器产业株式会社	
发明创造名称: 光盘、光盘记录和再现装置, 在光盘上记录、再现和删除数据的方法以及信息处理系统	

## 第一次审查意见通知书

(进入国家阶段的 PCT 申请)

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:  
JP 专利局的申请日 1999 年 04 月 28 日为优先权日,  
JP 专利局的申请日 1999 年 05 月 10 日为优先权日,  
JP 专利局的申请日 1999 年 10 月 21 日为优先权日。
- ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。  
☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定。  
☐ 国际初步审查报告附件的中文译文。  
☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。  
☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。  
☐
- ☐ 审查是针对原始提交的国际申请的中文译文进行的。  
☒ 审查是针对下述申请文件进行的:  
☒ 说明书 第 1-61 页, 按照原始提交的国际申请文件的中文译文;  
第 页, 按照国际初步审查报告附件的中文译文;  
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。  
☐  
☒ 权利要求 第 项, 按照原始提交的国际申请文件的中文译文;  
第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。  
第 项, 按照国际初步审查报告附件的中文译文;  
第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;  
第 1-10 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。  
☐  
☒ 附图 第 1-36 页, 按照原始提出的国际申请文件的中文译文;  
第 页, 按照国际初步审查报告附件的中文译文;  
第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。



## 第一次审查意见通知书正文

申请号：00806868.2

该申请涉及一种光盘、用于光盘的光盘记录及再现装置以及光盘记录及再现方法，经审查，现提出如下的审查意见。

1、权利要求1-4所要保护的主体是一种光盘，对于保护的主体为光盘的产品权利要求，所描述的技术特征本应该在于光盘的材料、形状、结构尺寸等物理结构特征，而独立权利要求1的特征部分及其从属权利要求2-4的限定部分属于对其上所记录的信息的格式做限定，不是物理结构特征，用非物理结构来限定光盘这种产品对于产品权利要求来说是不清楚的。因此，权利要求1-4不符合专利法实施细则第20条第1款有关清楚性的规定。

2、权利要求5请求保护一种用于光盘的光盘记录装置，对比文件1（CN1166223A）公开了一种光记录装置，其中（尤其参见权利要求15以及图1）具体公开了以下技术特征：该光记录装置包括记录装置807b，其通过激光照射第一记录区域（相当于该权利要求的第二区），从而记录信息。

权利要求5与对比文件1相比，区别仅在于：对比文件1未记载使用该光盘记录装置的光盘的特征。

然而，虽然对比文件1未公开以上光盘的特征，但是权利要求5要求保护的主体是一种光盘记录装置，用光盘上所记录的信息的格式作为技术特征不是对光盘记录装置的结构做出限定，即上述特征对该技术方案的创造性并未做出任何贡献，因此，权利要求5不具备突出的实质性特点和显著的进步，从而不具备专利法第22条第3款规定的创造性。

3、权利要求6请求保护一种用于光盘的光盘记录方法，对比文件1（CN1166223A）公开了一种光记录方法，其中（尤其参见权利要求15以及图1）具体公开了以下技术特征：该光记录方法中包括记录装置807b通过激光照射第一记录区域（相当于该权利要求的第二区）而记录信息的步骤。

权利要求6与对比文件1相比，区别仅在于：对比文件1未记载使用该光盘记录方法的光盘的特征。

然而，虽然对比文件1未公开以上光盘的特征，但是权利要求6要求保护的主体是一种光盘记录方法，用光盘上所记录的信息的格式作为技术特征不是对光盘记录方法的步骤做出限定，即上述特征对该技术方案的创造性并未做出任何贡献，因此，权利要求6不具备突出的实质性特点和显著的进步，从而不具备专利法第22条第3款规定的创造性。

4、权利要求7请求保护一种用于光盘的光盘再现装置，对比文件1（CN1166223A）公开了一种光重放装置，其中（尤其参见权利要求18以及图4）具体公开了以下技术特征：该光重放装置包括用于重放第一记录区域（相当于该权利要求的第二区）的数据的第一解调部928（相当于该权利要求的再现部件），以及用于重放第二记录区域（相当于该权利要求的第一区）的数据的第二解调部930（相当于该权利要求的第一再现部件），同时重放第一识别信息（相当于该权利要求中第一和第二区之间的只读数据）。

权利要求7与对比文件1相比，区别仅在于：对比文件1未记载使用该光盘再现装置的光盘的特征。

然而，虽然对比文件1未公开以上光盘的特征，但是权利要求7要求保护的主体是一种光盘再现装置，用光盘上所记录的信息的格式作为技术特征不是对光盘再现装置的结构做出限定，即上述特征对该技术方案的创造性并未做出任何贡献，因此，权利要求7不具备突出的实质性特点和显著的进步，从而不具备专利法第22条第3款规定的创造性。

5、权利要求8请求保护一种用于光盘的光盘再现方法，对比文件1（CN1166223A）公开了一种光重放方法，其中（尤其参见权利要求18以及图4）具体公开了以下技术特征：该光重放方法包括重放第一记录区域（相当于该权利要求的第二区）的数据，以及重放第二记录区域（相当于该权利要求的第一区）的数据，同时重放第一识别信息（相当于该权利要求中第一和第二区之间的只读数据）的步骤。

权利要求8与对比文件1相比，区别仅在于：对比文件1未记载使用该光盘再现方法的光盘的特征。

然而，虽然对比文件1未公开以上光盘的特征，但是权利要求8要求保护的主体是一种光盘再现方法，用光盘上所记录的信息的格式作为技术特征不是对光盘再现方法的步骤做出限定，即上述特征对该技术方案的创造性并未做出任何贡献，因此，权利要求8不具备突出的实质性特点和显著的进步，从而不具备专利法第22条第3款规定的创造性。

6、权利要求9、10所要保护的主体是一种光盘记录装置或光盘再现装置，对于保护的主体为光盘记录装置或光盘再现装置的产品权利要求，所描述的技术特征本应该在于装置的结构等物理结构特征，而权利要求9、10仅仅使用所述装置的光盘上所记录的信息的格式做限定，不是物理结构特征，用非物理结构来限定光盘记录装置或光盘再现装置这种产品对于产品权利要求来说是不清楚的。因此，权利要求9、10不符合专利法实施细则第20条第1款有关清楚性的规定。

基于上述理由，该申请按照目前的文本还不能被授予专利权。申请人应该按照本

通知书提出的审查意见对申请文件进行修改，克服所存在的缺陷，否则该申请将被驳回。提醒申请人注意的是，对申请文件的修改应当符合专利法第33条的规定，不得超出原说明书和权利要求书记载的范围。

审查员：庞娜  
代码：3621

